

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

DAVID MILLS

v.

C.C.A., et al.

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NO. 1:10-0015

ORDER

The motion of Defendants Lindamood, Strickland, Pool, Cogswell, Hendrix, Killingsworth, Bass, Leibach, Brantly, Kilzer, Boyd, Ulmer, McKintosh, and Corrections Corporation of America to continue or stay “frivolity hearing” (Docket Entry No. 77) is GRANTED to the extent that the evidentiary hearing¹ currently scheduled for November 10, 2010, is CANCELLED pending a ruling on the motion to dismiss (Docket Entry No. 46) and motion for summary judgment (Docket Entry No. 72) which are currently pending before the Court. The hearing may be rescheduled as appropriate upon resolution of the motions.

The motion (Docket Entry No. 71) of Defendants Gayle Ray and Reuben Hodge to be excused from the evidentiary hearing is accordingly DENIED as moot with leave to be re-filed if the evidentiary hearing is rescheduled.

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must

¹ The Court notes that the November 10, 2010, hearing was not scheduled as a “frivolity hearing,” but rather as an evidentiary hearing. A frivolity review has already been conducted. See Order entered March 11, 2010 (Docket Entry No. 3).

be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

So ORDERED.


JULIET GRIFFIN
United States Magistrate Judge